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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,282	01/22/2002	Mark A. Felkey	WMA01001	7571
25537	7590	12/29/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/051,282	<b>Applicant(s)</b> FELKEY ET AL.	
	<b>Examiner</b> Marissa Thein	<b>Art Unit</b> 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15, 17, 21-23, 27-30, 32-36, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17, 21-23, 27-30, 32-36 and 40-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

Applicants' "Response under 37 CFR 1.111" filed on October 18, 2005 has been considered.

Applicants' response by virtue of amendment to claims 1-10, 12-15, and 21-22 and canceling claims 16, 18-19, and 24-25 has overcome the Examiner's rejection of such claims under 35 USC 101.

Claims 1-10, 12-15, 21-22, 27, 29, 32-36 are amended. New claims 40-41 are added. Claims 16, 18-20, 24-26, and 31 are cancelled. Claims 1-15, 17, 21-23, 27-30, 32-36, and 40-41 remain pending in this application and action on the merits follows.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 40 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claim recites the conditional statement "if ...", which renders the claim indefinite since it is unclear to the Examiner what the scope of the claim is when the conditional statement is false. The Applicant should consider rewriting the claim language to avoid the use of conditional statements. For examination purposes, the Examiner will take the broadest reasonable interpretation of the claims and assume the conditional statement is true.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-4, 7-26, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,965,868 to Bednarck.**

Regarding claims 1, 11 and 35, Liljestrand discloses a computer –implemented method, apparatus and computer-readable media storing computer-executable instructions for procuring telecommunications offering remotely comprising: receiving a procurement inquiry from a customer application, the procurement inquiry specifying a selected telecommunications offering from a plurality of offerings including voice service, data access service and mobile telecommunications offerings (col. 2, lines 44-48; col. 3, lines 54-59; col. 4, lines 46-61; col. 15, lines 7-45); generating procurement data in response to the procurement inquiry (abstract; col. 2, lines 42-51; col. 15, lines 7-45); and transmitting the procurement data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose providing an option for accessing a network consultant via instant messaging. Liljestrand discloses a method

for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches providing an option for accessing a network consultant via instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include providing an option for accessing a network consultant via instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 2-4, 7, 8-10, Liljestrand discloses the procurement data of pre-sale, ordering and post-sale data (col. 3, lines 54-59); transmitting the pre-sale data comprising value added content which includes at least one of data for matching the selected telecommunication offering with needs of a customer, data for qualifying a customer for the selected telecommunication offering, data for an on-line demonstration of a process for procuring the selected telecommunication offering, data for answers to technical questions (col. 3, lines 54-59; col. 4, lines 13-29; col. 7, lines 6-53); transmitting post-sale data comprising value added content, the value added content including at least one of data for providing access to exiting orders, data for providing electronic billing, data for sending of a page, data for scheduling of a conference call, data for on-line directory assistance, or tailored data for on one of a telecommunication

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ordered or a related telecommunication offerings (col. 8, lines 31-47; col. 14, lines 27-44); providing the voice service offering to include calling package, a long distance, a toll free, a conferencing and a calling card telecommunication offering (col. 4, line 46 – col. 5, line 23); providing the data access service (col. 4, line 46 – col. 5, line 23); providing the mobile telecommunication offerings (col. 4, line 46 – col. 5, line 23); and graphical user interface (Figure 5).

Regarding claims 12, 14, 17, and 36, Liljestrand discloses a computer-implemented method, apparatus and a computer-readable media storing computer-executable instructions for servicing telecommunication offerings remotely comprising: receiving an inquiry from a customer application, the inquiry specifying search criteria with respect to an order for a telecommunication offering, a customer agent assigned for servicing telecommunication offering order, (col. 2, lines 42-51; col. 4, lines 34-36; col. 16, lines 50-64); generating response to the service inquiry and pertaining to the search criteria (abstract; col. 2, lines 42-51; col. 15, lines 7-45); and transmitting the response data to the customer application (abstract; col. 2, lines 42-51; col. 15, lines 7-45).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant

messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Regarding claims 13 and 15, Liljestrand discloses the response data includes at least one of pre-sale, ordering, and post-sale data (col. 3, lines 54-59); and post sale data (col. 8, lines 31-47; col. 14, lines 27-44).

Regarding claims 21-23, Liljestrand discloses a computer-implemented method and computer-readable media storing computer-executable instructions for procuring telecommunications offering remotely comprising: submitting an inquiry, specifying a selected telecommunications offering among a voice, data access and mobile telecommunications offerings (col. 3, lines 54-59; col. 4, lines 46-61); receiving procurement data (abstract; col. 2, lines 42-51); wherein the procurement data is generated in response to the and pertains to the selected telecommunication offering (abstract; col. 2, lines 42-51). Furthermore, Liljestrand discloses a graphical user interface (Figure 5).

However, Liljestrand does not explicitly disclose instant messaging. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant

messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

**Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand and U.S. Patent No. 6,965,868 to Bednarck, as applied to claim 1 above, and further in view of U.S. Patent No. 6,463,420 to Guidice et al.** Liljestrand and Bednarck substantially disclose the claimed invention, however, the combination does not disclose a shopping cart data, order entry data, ordering tracking data, and order status data. The combination discloses an apparatus and method for providing a plurality of transparent enhanced telecommunication services to subscribers (Liljestrand, col. 2, lines 38-40). The combination discloses a variety of revenue generating enhanced services (Liljestrand, col. 3, lines 54-56).

Guidice, on the other hand, teaches shopping cart data, order entry data, ordering tracking data, and order status data (Figure 2; Figure 4; Figure 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination, to include shopping cart data, order entry data, ordering tracking data, and order status data, as taught by Guidice, in order to increase the efficiency and convenience of tracking the delivery status of orders (Guidice, col. 2, lines 26-27).

**Claims 27-30 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand in view of U.S. Patent**



**No. 6,965,868 to Bednarck and further in view of U.S. Patent No. 6,098,108 to Sridhar et al.** Liljestrand substantially disclose the claimed invention, however, Liljestrand does not disclose instant messaging; and a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system. Liljestrand discloses a method for providing enhanced telecommunication services to subscribers which includes message delivery services (col. 5, lines 7-8; col. 17, lines 39-61).

Bednarck, on the other hand, teaches instant messaging (col. 10, lines 50-53; col. 11, lines 64-66; col. 14, lines 46-49).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging, as taught by Bednarck, in order to engage in real time dialogue (Bednarck, col. 11, lines 64-65) and provide intensive interaction and customized information with the customer (Bednarck, col. 14, lines 48-49).

Furthermore, Liljestrand and Bednarck do not disclose a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system.

Sridhar, on the other hand, teaches a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; and a site intelligence server (Figure 6; Figure 9; Figure 15; Figure 22; col. 5, lines 7-25; col. 9, lines 44-58).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system of Liljestrand and Bednarck, to include a customer browser loaded on a customer client computer; a back office browser loaded on a back office client computer; the server program communicate according to a communication protocol architecture that includes a web layer and application layer; a database layer; a site intelligence server; and the development, staging and production system, as taught by Sridhar, in order to provide enhanced communication between client and server computers coupled through the Internet (Sridhar, col. 1, lines 13-15).

**Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,853,714 to Liljestrand et al. in view of U.S. Patent No. 6,788,949 to Bansal.**

Liljestrand discloses a method comprising: providing a plurality of options to communicate with a consultant during provisioning (col. 4, lines 13-15); receiving input from the customer application, the input specifying one or more selections of a plurality of telecommunications products (abstract, col. 2, lines 44-48; col. 3, lines 54-59; col. 7, lines 16-21); determining whether the selection is valid during the provisioning (col. 14,

lines 13-26); generating an order for the selection if the selection is valid (col. 8, lines 44-47); and web-base interface (col. 4, lines 13-15).

However, Liljestrand does not explicitly disclose instant messaging and on-line shared white-boarding. Liljestrand discloses enhanced services platform utilizing a voice-activated and a web-activated user interface (col. 4, lines 13-15).

Bansal, on the other hand, teaches instant messaging and on-line shared white-boarding (col. 1, lines 30-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Liljestrand, to include instant messaging and on-line shared white-boarding, as taught by Bansal, in order to provide a chat session that allows to enter and send messages simultaneously (Bansal, col. 1, lines 22-24).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-15, 17, 21-23, 27-30, 32-36, and 40-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

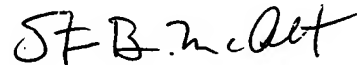
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alex Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mtot  
December 22, 2005



STEVE B. MCALLISTER  
PRIMARY EXAMINER